

Frequently Asked Questions...

Q) What is a furlough?

A) A furlough is the placement of an employee in a temporary nonduty, nonpay status because of lack of work or funds, or other nondisciplinary reasons. In a “shutdown” furlough, the agency no longer has the necessary funds to operate and must shut down those activities which are not excepted by Office of Management and Budget (OMB) standards.

Q) I am not scheduled to work the first day of the shutdown. How do I conduct orderly shutdown activities?

A) If you are not available to report for work to conduct orderly shutdown activities, out-of-office messages for email may be updated in advance using the timed setting and voicemail may be updated in advance.

Q) Can employees apply for unemployment during the furlough and if so, how is that done?

A) Unemployment laws vary from state to state. Employees will need to contact the unemployment office for the state in which they work and/or the District of Columbia.

Q) If the furlough notification letter is being sent to agency employees via the e-mail system how will employees know what is taking place (many will not have access from home)?

A) The notice is also being posted on the public internet site along with any other information or updates. We also ask that staff members pay close attention to the news coverage on this topic.

Q) If an employee has properly scheduled “use-or-lose annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough constitute an “exigency of the public business” that would permit an agency to restore the leave after the beginning of the new leave year?

A) Employees in this situation should make every effort to reschedule “use-or-lose” annual leave for use before the end of the current leave year. However, if this is not possible due to a lapse in appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using his or her leave because of an exigency of the public business—namely, the need to furlough employees because of the lapse in appropriations.

Q) May an employee volunteer to do his or her job on a nonpay basis during a furlough period?

A) No. Furloughed employees may not work or telework on a voluntary basis during a furlough. Performing non-excepted duties during a furlough period is a violation of the Antideficiency Act.

Q) Can I use leave, compensatory time off, or credit hours for the days that I am furloughed?

A) No. During a furlough period, previously approved leave, compensatory time off, or credit hours are rescinded and requests to use such time off must be denied for furloughed employees.

Q) If an employee who received a furlough notice was previously approved to use annual or sick leave, what happens to the scheduled leave?

A) Upon furlough, all scheduled leave is canceled (annual leave, sick leave, or other). Absences during the furlough may not be charged to leave.

Q) May employees take other jobs while on furlough?

A) Please refer to the Outside Employment FAQ on the JM-20 SharePoint, within the OIG Furlough Guidance.

Q) What happens to employees scheduled for training during a furlough?

A) Employees who are neither excepted nor exempt and are scheduled for training during a shutdown furlough must be placed in a furlough status and ordered not to attend the scheduled training.

Q) Will employees who are furloughed receive back pay?

A) There is no guarantee that Federal agencies will be authorized to provide retroactive payments to employees who are subject to the furlough once funding is appropriated. Congress will determine if furloughed employees will receive pay for the furlough period.

Q) Will excepted employees be paid for performing work during a furlough? If so, when will excepted employees receive such payments?

A) No. If funding has lapsed, employees excepted from furlough will not be paid during a furlough. Agencies will incur obligations to pay for services performed by excepted employees during a lapse in appropriations, and those employees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

Q) Why are the Criminal Investigators considered to be excepted employees and therefore required to perform their duties as normal during a lapse in appropriated funds?

A) The U.S. Department of Justice (DOJ) issued a FY2017 Contingency Plan which determined

that almost all law enforcement officers were excepted during a lapse of appropriations, including DOJ OIG law enforcement officers. One of the guiding principles cited by this plan was: “The law enforcement capacity of the U.S. Government should not be impaired or perceived to be impaired. To do so could constitute an imminent threat to the safety of human life and the protection of property.” While not required to do so, DOT OIG is applying this principle to its own contingency planning.

Q) Are SES employees subject to furlough?

A) Yes, generally, unless they have been excepted from furlough under the same conditions as all other employees.

Q) How will a furlough affect my benefits (health, life, Long Term Care Insurance, Federal Employees Dental and Vision Insurance Plan (FEDVIP))?

A) A short-term furlough should have a minimal impact on an employee’s benefits. Employees will continue to be covered during a short-term furlough period and will make payments for these benefits once returned to a pay status. For specific questions about certain benefits, please refer to the OPM Guidance available at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf> .

Q) If an employee is receiving wage-loss compensation under the Federal Employees Compensation Act (FECA) and was then furloughed, what effect would the furlough have on his/her compensation?

A) None. FECA wage-loss compensation is not considered wages and, therefore, is not affected by a lack of funding at the employing agency.

Q) Are excepted employees allowed to have intermittent unpaid absences from work during a shutdown furlough?

A) Excepted employees are not eligible to take any kind of paid time off (e.g., annual leave, sick leave, compensatory time off, credit hours, etc.). However, if an excepted employee needs to be absent from work for a brief or intermittent period they may explore the use of workplace flexibilities with approval from their appropriate designated excepted management official.

Q) When an employee’s pay is insufficient to permit all deductions to be made because a shutdown furlough occurs in the middle of a pay period and the employee receives a partial paycheck, what is the order of withholding precedence?

A) Agencies will follow the guidance on the order of precedence for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions found at: <https://www.chcoc.gov/content/ppm-2008-01-order-precedence-when-gross-pay-not-sufficient-permit-all-deductions> .

Q) Are excepted employees permitted to use their government issued transit benefits during a furlough?

A) Yes, employees who are excepted from furlough may continue to use their government issued transit benefits.

Q) Do furloughed employees need to adjust their transit benefits?

A) No, furloughed employees do not need to adjust the transit benefits that were issued to their SmartTrip cards. Any unused funds that were issued will be returned at the end of each month. However, if you were issued a debit card, you will need to adjust your transit benefits.

Q) Will the Transportation Federal Credit Union (TFCU) offer financial assistance loans during the furlough?

A) TFCU will offer loans for up to 2 weeks net pay at 4.50% interest. Employees will need to provide the furlough notice, their most recent pay stub, and their ID. Additional information can be obtained by contacting TFCU at 202-366-9400.